



PUBLIC NOTICE

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INTERNATIONAL BUREAU ESTABLISHES DEADLINE FOR AMENDMENTS TO PENDING 17/24 GHZ BSS APPLICATIONS

Initial Conforming Amendment Deadline: January 14, 2008

Second Amendment Deadline: February 13, 2008

Initial Conforming Amendment Deadline. On May 4, 2007, the Federal Communications Commission released a *Report and Order* adopting processing and service rules for the 17/24 GHz Broadcasting-Satellite Service (BSS)¹. The Report and Order included a framework in which 17/24 GHz BSS space stations would operate at orbital locations spaced at four degree intervals, as set forth in Appendix F.² In a *Reconsideration Order*, released on September 28, 2007, the Commission provided space station operators additional flexibility to operate full-power satellites at orbital locations offset by up to one degree from an Appendix F location in cases where the adjacent Appendix F location is unassigned.³ In both Orders, the Commission directed the International Bureau to release a Public Notice inviting 17/24 GHz pending applicants to amend their applications in order to conform to the new rules.⁴ The 17/24 GHz BSS rules, as modified by the *Reconsideration Order*, became effective on November 23, 2007.⁵ Accordingly, we invite those entities listed in Appendix A to this Public Notice to amend their pending applications consistent with the rules no later than January 14, 2008. If an application is not amended by that deadline, it will be dismissed as defective.

¹ The Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band, *Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 06-123, FCC 07-76 (rel. May 4, 2007) (*17/24 GHz BSS R&O*).

² *17/24 GHz BSS R&O* at Appendix F.

³ The Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band, *Order on Reconsideration*, IB Docket No. 06-123, FCC 07-174 (rel. Sept. 28, 2007) (*Reconsideration Order*).

⁴ *17/24 GHz BSS R&O* at para. 145.

⁵ 72 Fed. Reg. 60272 (Oct. 24, 2007).

Second Amendment Deadline. In the *Reconsideration Order*, the Commission recognized that until all conforming amendments are filed, an applicant requesting authority to operate a full-power satellite at an offset location will not know whether another applicant has requested authority to operate a satellite at an adjacent Appendix F location.⁶ The Commission determined that if such a situation arises, it will provide the applicant for the offset satellite a second opportunity to amend its application. Consequently, an applicant seeking to operate a full-power space station with full interference protection at a location offset from an Appendix F location by up to one degree may file a second amendment, if another entity has filed a conflicting application for the adjacent Appendix F location or its associated offsets.⁷ No other applicants will be permitted to file second amendments.⁸ In addition, second amendments are limited to: (1) a request to change the proposed orbital location from the offset location or its associated offsets to the Appendix F orbital location from which it was offset, or (2) a request to reduce power and to operate with reduced interference protection at the offset location.⁹ We emphasize that each offset applicant bears the burden of determining, through a detailed review of the other amended applications, whether to file a second amendment. Second amendments must be filed by February 13, 2008. If a second amendment is not filed by this date, the Bureau will continue to process the application as initially amended. Any amendments to change orbital location filed after the amendment filing deadlines described in this Public Notice are subject to the filing freeze for 17/24 GHz BSS applications.¹⁰ Any such amendment is precluded by the freeze and will be dismissed.

Application Review. Once the second amendment deadline has passed, the applications will be reviewed to determine if they are substantially complete.¹¹ Applications that are found to be substantially complete will be placed on public notice as accepted for filing. Applications that are not substantially complete will be returned to the applicant as defective.¹² In the event that two or more amended applications are filed at or up to two degrees away from a single Appendix F location, the Bureau will

⁶ *Reconsideration Order* at para. 34.

⁷ *Reconsideration Order* at para 34.

⁸ For purposes of this second amendment opportunity, the filing of two or more amended applications at a single Appendix F location or its associated offsets does not constitute a conflict because the spectrum can be split. *Reconsideration Order* at para. 37.

⁹ For example, if Applicant A files for the 79° W.L. Appendix F orbital location and Applicant B files for a full-power offset space station at 76° W.L., Applicant B will have an additional opportunity to amend its application. In the amendment, Applicant B may either request assignment to the 75° W.L. Appendix F orbital location from which it sought to be offset or may remain at 76° W.L. with reduced power and reduced interference protection. Additionally, if Applicant C files for a full-power offset space station at 84° W.L. and Applicant D files for a full-power offset space station at 86° W.L., both Applicants C and D will have an additional opportunity to amend their applications. In the amendment, Applicant C may either request assignment to the 83° W.L. Appendix F orbital location from which it sought to be offset or may remain at 84° W.L. with reduced power and reduced interference protection. Similarly, in the amendment, Applicant D may either request assignment to the 87° W.L. Appendix F orbital location from which it sought to be offset or may remain at 86° W.L. with reduced power and reduced interference protection.

¹⁰ *17/24 GHz BSS R&O* at para. 146. Once the freeze is lifted, current applicants may file applications to amend their pending applications. If the amendment requests a new orbital location or makes other “major” changes, it will be considered a newly filed application and will lose its status relative to other applications in the processing queue. See *Reconsideration Order* at fn. 73.

¹¹ *17/24 GHz BSS R&O* at para. 145, note 454 (noting that the Commission reserves the right to return an application which has been placed on Public Notice as acceptable for filing if, upon further examination, it is determined that the application is not in conformance with the Commission’s rules). *Reconsideration Order*. Para 37.

¹² 47 C.F.R. § 112.

consider the applications together and, if the applicants are qualified, license them to operate in an equal portion of the spectrum.¹³

Substantially Complete Requirement. We remind applicants that the amended applications must be complete in substance and must not be defective under the Commission's rules, meaning that the applications must be complete with respect to answers to questions and informational showings, and must be free of internal inconsistencies.¹⁴ Applicants must specify in the narrative portion of their application the type of authorization being sought, *e.g.*, an authorization to operate at an Appendix F location, an authorization to operate at a full-power offset location, or an authorization to operate at an offset location at reduced power and without full interference protection. All applicants seeking to operate at an offset location must specify the Appendix F location from which they propose to be offset.¹⁵ Each Applicant must provide the appropriate technical showings to support its proposed operations. The amended application must include a complete FCC Form 312 and Schedule S, and all the pertinent information requested in Section 25.114(d) of the Commission's rules.¹⁶ Among other things, applicants are required to submit the appropriate interference analysis described in Section 25.140(b),¹⁷ and to demonstrate compliance with Section 25.140(c) of the Commission's rules.¹⁸ Applicants are also required to demonstrate compliance with Section 25.210(i)(2)¹⁹ and Sections 25.262(a), (b) or (e)²⁰ of the Commission's rules, as appropriate. In addition, applicants are required to demonstrate that they comply with the power flux density limits in new Section 25.208(w),²¹ or, if they do not, to demonstrate how they

¹³ For example, if Applicant A requests authority to operate at the Appendix F location of 91° W.L. and Applicant B seeks authority to operate either a full-power offset or reduced-power offset from 91° W.L. at 92° W.L., the Bureau would consider these applications together. In this example, if the applications are substantially complete and the applicants are qualified, the Bureau would license each applicant in an equal portion of spectrum. Thus, for purposes of determining whether the spectrum should be split, the Appendix F location and any offset from a particular Appendix F location are considered the same orbital location. *Reconsideration Order*, para 37. In these cases, licensees will be allowed to select the particular band segment they wish to use no earlier than 60 days before they plan to launch the satellite. 47 C.F.R. § 25.158(d)(5). *Reconsideration Order* at para. 37.

¹⁴ See Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1).

¹⁵ Associated offsets are those within ± 2 degrees of the Appendix F location. If an applicant seeks to operate at an offset orbital location at reduced power exactly halfway between two Appendix F locations, it must choose which of the two Appendix F locations it proposes to be offset from. Thus, if Applicant A seeks to operate at 77° W.L., it must specify whether it is offset from the 75° W.L. or 79° W.L. Appendix F locations.

¹⁶ 47 C.F.R. § 25.114(d).

¹⁷ 47 C.F.R. § 25.140(b).

¹⁸ 47 C.F.R. § 25.140(c).

¹⁹ 47 C.F.R. § 25.210(i)(2).

²⁰ 47 C.F.R. § 25.262(a), (b), and (e).

²¹ 47 C.F.R. § 25.208(w).

will affect adjacent 17/24 GHz BSS satellite networks, and that the operators of those networks agree to the applicant's proposed operations. Furthermore, applicants seeking to operate in the 17.7-17.8 GHz band are required to demonstrate that their proposed space station will comply with Section 25.208(c) of the Commission's rules.²² Applicants must also demonstrate how they will comply with the geographic service requirements of Section 25.225 of the Commission's rules.²³ We also take this opportunity to remind applicants of the requirements for proper orbital debris mitigation plan showing.²⁴

For further information, contact Andrea Kelly, Policy Branch Chief, Satellite Division, at 202-418-7877.

²² 47 C.F.R. § 25.208(c).

²³ 47 C.F.R. § 25.225.

²⁴ See Public Notice, International Bureau Satellite Division Information: Disclosure of Orbital Debris Mitigation Plans, Including Amendment of Pending Applications, DA 05-2698, Report No. SPB-112 (rel. Oct. 13, 2005).

APPENDIX A

Pending 17/24 GHz BSS Applications

IBFS File Nos.	Call Sign	Applicant
SAT-LOA-19970605-00049	S2242	DIRECTV Enterprises, LLC
SAT-AMD-20051118-00226		
SAT-LOA-19970605-00050	S2243	DIRECTV Enterprises, LLC
SAT-AMD-20051118-00225		
SAT-LOA-19970605-00051	S2244	DIRECTV Enterprises, LLC
SAT-AMD-20051118-00224		
SAT-LOA-20060908-00099	S2711	DIRECTV Enterprises, LLC
SAT-LOA-20060908-00100	S2712	DIRECTV Enterprises, LLC
SAT-LOA-20020328-00050	S2440	EchoStar Satellite Operating Corporation
SAT-AMD-20051118-00247		
SAT-LOA-20020328-00051	S2441	EchoStar Satellite Operating Corporation
SAT-AMD-20051118-00246		
SAT-LOA-20020328-00052	S2442	EchoStar Satellite Operating Corporation
SAT-AMD-20051118-00245		
SAT-LOA-20070105-00001	S2723	EchoStar Satellite Operating Corporation
SAT-LOA-20070105-00003	S2725	EchoStar Satellite Operating Corporation
SAT-LOA-20050210-00028	S2659	Intelsat North America LLC
SAT-AMD-20051118-00241		
SAT-LOA-20050210-00029	S2660	Intelsat North America LLC
SAT-AMD-20051118-00240		
SAT-LOA-20050210-00030	S2661	Intelsat North America LLC
SAT-AMD-20051118-00239		
SAT-LOA-20050210-00031	S2662	Intelsat North America LLC
SAT-AMD-20051118-00238		
SAT-LOA-20060412-00042	S2698	Pegasus Development DBS Corporation
SAT-LOA-20060412-00043	S2699	Pegasus Development DBS Corporation
SAT-LOA-20060412-00044	S2700	Pegasus Development DBS Corporation